REMARKS

I. Support for Amendments

Support for the amendment to claim 6 may be found, *inter alia*, in the specification at page 13, line 24, and in original claim 6.

Support for the amendment to claim 7 may be found, *inter alia*, in the specification at page 8, line 1, to page 13, line 20, where compounds that affect lipid metabolism are elucidated.

II. Status of the Claims

Claims 1-8 are under examination in this Application. Applicants appreciate the allowance of claims 1-5 and 8. Claims 10, 12, 15 and 17 are canceled without prejudice.

Applicants acknowledge that in response to the election requirement, claims 9-17 were withdrawn from consideration by the Examiner. However, Applicants again request that the Examiner expand her search to a reasonable number of non-elected species after the elected species is found to be allowable. Indeed, claims 9, 11, 13, 14 and 16 are method of use claims which incorporate the subject matter of claims 1-8 and should be patentable over any prior art for the same reasons that claims 1-8 should be patentable. The rejoinder provisions of MPEP § 821.04 will ultimately require that those claims be examined once the product claims are found allowable: "if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined." Applicants therefore respectfully request that the Examiner rejoin the method of use claims for examination in this application

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Claim 6 has been amended to further define the term "active compounds", as set forth in the specification, and to replace the term "composition" with the term "combination". Claim 7 has been amended to replace "normalize" with "affect" and to replace the term "composition" with the term "combination". Claim 8 has been amended to address the Examiner's objection and to replace the term "composition" with the term "combination". Accordingly, the amendments are supported by the claims and specification as originally filed, and therefore no new matter has been added.

Finally, Applicants acknowledge and appreciate the Examiner's indication that "[c]laims 6 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph." Office Action at page 3. Applicants respectfully submit that at least these claims are in condition for allowance in view of the foregoing amendments.

III. Claim Objection

Applicants respectfully submit that the objection to claim 8 set forth on page 2 of the Office Action has been rendered moot by the foregoing amendment.

IV. Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 6 and 7 have been rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *See* Office Action at page 2.

During examination of claims for compliance with the definiteness requirement of 35 U.S.C. § 112, second paragraph, the Examiner shall focus on "whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available." M.P.E.P. §2173.02. Further, "[a]cceptability of claim . . . language depends on whether one of ordinary skill in the art

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would understand what is claimed, in light of the specification." M.P.E.P §2173.05(b). Therefore, if one of ordinary skill in the art would be reasonably apprised of the scope of the invention, in light of the specification, any rejection under 35 U.S.C. § 112, second paragraph, is improper. *See id.*

In rejecting claim 6, the Examiner reveals that in reciting the terms "active compounds" in the claim, "[i]t is not clear what type of activity is meant." Office Action at page 2. Applicants assert that, when read in light of the specification, one of ordinary skill in the art would easily comprehend this regular claim language as being definite. Moreover, the Examiner has failed to demonstrate, as she must, how this ordinary language is indefinite, rather merely stating in a conclusory fashion that the claim is unclear as written.

Nevertheless, in the interest of advancing prosecution, the claim has been amended to more clearly define the terms. Specifically, "active compounds" has been modified by including the additional term "pharmacologically" in an effort to more clearly define the type of activity that is claimed. Support for this amendment can be found, for example, on page 13, line 24, of the specification and by use of the word "pharmaceutical" in the originally filed claim.

In rejecting claim 7, the Examiner asserts that the term "normalize" is "a relative term" and "is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention." Office Action at pages 2-3. Again, applicants assert that, when read in light of the specification, one of ordinary skill in the art would easily comprehend this regular claim language as being definite. However, in

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the interest of advancing prosecution, the claim has been amended to replace the rejected term "normalize" with the term "affect". Support for this amendment can be found, for example, on pages 8-13 of the specification.

Applicants therefore respectfully request that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn.

V. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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